K 1943

File No. B. Waste Lands (claims) 43
Legal Department
B BRANCH

Subject:— Governor's Bill No IX of 1942

A Bill to repeal the Waste Lands (Claims) Act, 1863, in its application to the Province of Bombay

(B'bay Act IX / 1943)

P 8/E

File No. B. Waste Lands (claims) 43

Gen. 194 e.

454 B

Office of the R.L.A.

The requisite draft Bill is appended.

2. The draft statement at p. 27 ~~as~~ amended is in order.

3. The subject-matter of the Bill falls under entries 1, 2 and 21 in List II and entry 4 in List III in the Seventh Schedule to the Government of India Act, 1935. As the provisions of clause 2 of the Bill are repugnant to the provisions of ~~xxxxxxxxxxxxxx~~ Waste Lands (Claims) Act, 1863, which is an existing Indian Law in relation to a matter in the Concurrent Legislative list, it is necessary to reserve the Bill for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935, and Paragraph (2) of the Proclamation.

Sd/- P.N.M.

30/7.

Remembrancer of Legal Affairs.

H.R.to R.D., No. 6217~~x~~ dated the 31st July 1942.

~~xx~~

13/7-

Letter. No. 5895

Legal Department.
Bombay Castle, 1st Sept. 1943.

To

The Secretary to the Governor of Bombay

Subject:- A Bill to repeal the Waste Lands (Claims) Act, 1863, in its application to the Province of Bombay.

With reference to your Memorandum No. 201(73) dated the 22nd September 1942, addressed to the Revenue Department, on the above subject, I am directed to forward herewith a copy of the Bill to repeal the Waste Lands (Claims) Act 1863, in its application to the Province of Bombay, prepared by His Excellency the Governor under paragraph (2) of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935.

2. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a), (b), (c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

P.T.O.

3. The subject-matter of the Bill falls under entries 1,2 and 21 in List II and entry 4 in List III in the Seventh Schedule to the Government of India Act, 1935. As the provisions of clause 2 of the Bill are repugnant to the provisions of the Waste Lands (Claims) Act, 1863, which is an existing Indian law in relation to a matter in the Concurrent Legislative List, it is necessary to reserve the Bill for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935, and paragraph (2) of the Proclamation.

4. I also forward herewith six spare copies of the Bill, out of which five copies are for transmission to the Secretary to the Governor General (Public).

Sd/- P.N.M.
31/8.

Secretary to the Government of Bombay,

Legal Department.

Through

The Secretary to the Government of Bombay,
Revenue Department.

MM

14/7-

Office of the R.L.A.

Under section 3 read with the First Schedule and Part II of the Sixth Schedule annexed to the Local Laws Extent Act, 1874, the Waste Lands (Claims) Act, 1863 is in force in the whole of the province of Bombay including the partially excluded areas except the villages belonging to the following Mahwassi Chiefs namely:-

1.) The Parvi of Kathi
2.) The Parvi of Nal
3.) The Parvi of Singpur
4.) The Walwa of Gaohali
5.) The Wassawa of Chikhli, and
6.) The Parvi of Navalpur.

It is therefore necessary to issue a notification under section 92 of the Government of India Act, 1935, for applying the proposed Waste Lands (Claims) (Bombay Repeal) Act, 1943, to the partially excluded areas in the Province except the said villages. The requisite draft notification in this behalf is sent herewith.

Sd/- N.K.D.

Remembrancer of Legal Affairs.

U.R.to R.D.No. 6201 dated the 16th September 1943.

MM

14/7-

No. 201(73)
Office of the Governor's Secretary,
Government House,
Ganeshkhind, 20th October 1943.

From
D. Symington, Esquire, CIE. ICS.
Secretary to the Governor of Bombay,

To
The Secretary to Government,
Legal Department, Poona.

Subject: The Waste Lands (Claims) (Bombay Repeal) Bill, 1943.

Sir,

With reference to your letter No. 5895, dated 1st September 1943, on the above subject, I am directed to forward herewith the copy of the Waste Lands (Claims) (Bombay Repeal) Bill, 1943, with His Excellency the Governor-General's assent signified thereon.

Your obedient servant,

for Secretary to the Governor of Bombay.

MM

14/7-

Acts.

Publication of the Waste Lands (Claims)(Bombay Repeal) Act, 1943

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 7178
Bombay Castle, 27th October 1943.

Letter to the Secretary to the Governor, No. 5895, dated 1st September 1943.

Letter from the Secretary to the Governor, No, 201(73), dated 20th October 1943.

"With reference to your letter No. 5895, dated 1st September 1943, on the above subject, I am directed to forward herewith a copy of the Waste Lands (Claims) (Bombay Repeal) Bill, 1943 with His Excellency the Governor-General's assent signified thereon."

RESOLUTION.- The Law should be published as Bombay Act No. IX of 1943, in the Bombay Government Gazette dated the 27th October 1943.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devanagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Revenue Department.

By order of the Governor of Bombay

Sd/-

P.N.MOOS?

for Secretary to Government.

P.T.O.

fo

The Manager, Government Central Press, Bombay, (with a copy of the Act and with a request that 15 Gazette copies of the Act may be forwarded to the Legal Department);

The General Department;)
*The Oriental Translater to Government) With a copy of the Act.
The Secretary to the Bombay Legislative Council;)
The Secretary to the Bombay Legislative Assembly.)

*With five extra copies

14/7-

23 41/97

Bombay Act No. IX of 1943

~~GOVERNOR'S BILL No. IX OF 1943.~~

An Act

~~A Bill~~ to repeal the Waste Lands (Claims) Act, 1863, in its application to the Province of Bombay.

WHEREAS it is expedient to repeal the Waste Lands (Claims) Act, 1863, in its application to the Province of Bombay;

XXIII of 1863.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

26 Geo. 5, Ch. 2.

NOW, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act:—

Short title.

1. This Act may be called the Waste Lands (Claims) (Bombay Repeal) Act, 1943.

Repeal of Act XXIII of 1863.

~~XXIII of 1863~~ 2. The Waste Lands (Claims) Act, 1863, hereinafter referred to as the said Act is hereby repealed:

Provided that in respect of any claim preferred or objection taken under the said Act before the date of the commencement of this Act, all the provisions of the said Act shall be given effect to as if this Act had not been passed.

STATEMENT.

~~XXIII of 1863.~~

It has been found that the provisions of the Waste Lands (Claims) Act, 1863, have not been resorted to in disposing of waste lands in the Province of Bombay except in parts of a few districts. This is due to the fact that the provisions of section 37 of the Bombay Land Revenue Code, 1879, are found to be adequate for the purpose of protecting the rights of Government and other parties in dealing with claims to such lands. The Act is, for all practical purposes, a dead letter in this Province. Government, therefore, proposes to repeal it in its application to the Province of Bombay.

SM Bk H 403

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

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" True copy - Original papers being of
bad quality - Destroyed".

Superintendent,
D Branch, Legal Department.